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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/716,636	11/19/2003	Bernard Doyle		7653

7590 10/13/2004  
Bernard Doyle  
Apt #2  
4 Claremont Place  
Montclair, NJ 07042

EXAMINER

BUI, THACH H

ART UNIT	PAPER NUMBER
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3752

DATE MAILED: 10/13/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

10/716,636

Applicant(s)

DOYLE ET AL.

Examiner

Thach H Bui

Art Unit

3752

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-14 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-5 and 8 is/are rejected.
- 7) ☒ Claim(s) 6,7 and 9-14 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 11/19/2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

## Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

## Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_.
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date \_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_.

## DETAILED ACTION

### *Claim Rejections - 35 USC § 103*

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

1. Claims 1-5, 8 are rejected under 35 U.S.C. 103(a) as being unpatentable over Degongre et al. (U.S. Patent No. 5,842,645).

As per claim 1, Degongre et al. teach a showerhead for selectively adding other liquid to shower water comprising a nozzle (42), a reservoir (1, and 1a), a partition (a block of which holds the valve, 33 and separates two chambers 7 and 28) (see Fig. 2a) and an apparatus (see Fig. 2a). The apparatus includes a reservoir (1) of which is contained in the nozzle (i.e. one piece nozzle, Fig. 1) and the reservoir is for holding other liquid e.g. foaming liquid therein. The partition contained in the nozzle and defines a first chamber (7) and a second chamber (28) and the reservoir contained in the nozzle is fluidly communicated with the second chamber. The apparatus contained in the nozzle is for selectively directing water from a water source into either the first chamber contained in the nozzle where it exits the nozzle as the shower water; or into the second chamber contained in the nozzle whereby creates a negative pressure (col. 1, lines 61-65) due to its flow draws down the other liquid from the reservoir contained in the nozzle to mix therewith and exit the nozzle with shower water (see Fig. 2a, and 2c). Degongre et al. have all the features of the invention but Degongre et al. do not mention explicitly

a reservoir for holding liquid soap. It would have been obvious matter of design choice to replace foaming liquid, as taught by Degongre et al., with liquid soap for dispensing with shower water.

As per claim 2, Degongre et al. teach a shower nozzle having an uppermost wall, a rearwardmost wall and an outlet (see Fig. 1).

As per claims 3-5, the apparatus comprises a reservoir contained in the nozzle, is defined by a floor (bowl shape) and the floor extends rearwardly and upwardly from the forwardmost wall of the nozzle to the uppermost wall of the nozzle (see Fig. 1 and 2a). The reservoir also has a plug (4a) for allowing the reservoir to be filled with other liquid.

As per claim 8, the partition contained in the nozzle extends upwardly from engagement with the outlet of the nozzle to below the floor defining the reservoir contained in the nozzle so as to form a conduit therebetween (see Fig. 2a); and then extends rearwardly therefrom still below the floor defining the reservoir contained in the nozzle to between the uppermost wall of the nozzle and the rearwardmost wall of the nozzle (see Fig. 2a).

#### ***Allowable Subject Matter***

2. Claims 6, 7, 9-14 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

**Conclusion**

3. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Frankel, Khalifka, Foote, Wright et al., Moriarty et al., Chase et al. and Meares, Jr. are cited of general interest.

4. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Thach H Bui whose telephone number is 703-305-0063 and/or 571-272-4898. The examiner can normally be reached on Monday-Friday, 7:30-4 p.m.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Dave Scherbel can be reached on 703-308-1272. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306 and/or 571-273-4898.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



T.B.  
10/12/2004